IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23707 of 2004

Between:

1 Parada Lakshmi, W/o. Buchannadora,
R/o. Gandhinagaram, Pedagaddada Panchayat,
Rampachodavaram Mandal, East Godavari District.
2 Kurram Rajamani, D/o. Baluora,
R/o. Gandhinagaram, Pedagaddada Panchayat,
Rampachodavaram Mandal, East Godavari District.

.PETITIONERS

AND

1 The Union of India, Ministry of Environment and Forests,
Rep by its Secretary, New Delhi.
2 The Government of Andhra Pradesh, Rep by its Prl. Secretary,
Irrigation and CAD Department, Secretariat, Hyderabad.
3 The Superintendent Engineer, Irrigation Department,
Dhawaleswaram Construction Circle, Dhawaleswaram, Rajahmundry, East Godavari District.
4 The Executive Engineer, Musurumilli Project Division,
Rajmundry, East Godavari District.
5 The District Collector, East Godavari District, Kakinada.
6 The District Forest Officer, East Godavari District, Kakinada.
7 The Superintendent of Police, Easg Godavari District, Rajahmundry

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of Writ of mandamus declaring action of the respondents 2 to 7 in going ahead with the works pertaining to Bhoopatipalem Reservoir at Bhoopatipalem Village, Rampachodavaram Mandal, East Godavari District without obtaining the permission from R1 under the provisions of the Forest (Conservation) act, 1980 is illegal and unconstitutional and consequently direct the respondents to start the works only after clearance obtained from the R1 and after making copy of the permission available with all the Gram Shabhas of the effected villages.

Counsel for the Petitioner:MR.K.S.MURTHY

Counsel or the Respondent Nos. 1 to 5: GP FOR IRRIGATION.

Counsel for the Respondent No. 6: GP FOR FOREST

Counsel for the Respondent No.7: GP FOR HOME

The Court at the admission stage made the following :

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ORDER:

This writ petition is filed seeking a writ of mandamus, declaring the action of the respondents 2 to 7, in proceeding with the work of construction of a reservoir at Bhoopatipalem village, Rampachodavaram Mandal, East Godavari District, is contrary to the provisions of the Forest (Conservation) Act, 1980 (for short "the Act") as illegal and unconstitutional.

The petitioners claim that the respondents proposed to construct a reservoir at the place referred to above, and an extent of about 200 Hectors of forest land is going to be affected. They point out that the respondents are proceeding to undertake the construction, even without getting the land released under the provisions of the Act or obtaining the official approval from the Central Government.

In the counter-affidavit filed on behalf of the 6th respondent, it is stated that the concerned department of the Central Government has already accorded in-principle approval and necessary steps have been taken, as indicated by the Central Government. It is further contended that the alternative land has already been handed over to the forest department and there is no threat of either immersion or construction over the forest land, which is earmarked for this purpose.

The learned Government Pleader for Irrigation, on instructions, has submitted before this Court to the effect that the respondents do not intend to undertake any construction, or put the forest land to use, without obtaining necessary approvals or clearance.

Recording the submission, the Writ Petition is closed. It is made clear that the forest land, which is the subject matter of this writ petition, shall not be put to any non forest use, except in accordance with the provisions of the Act. There shall be no order as to costs.

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28th January,2005

To

1. The Secretary, Union of India, Ministry of Environment and Forests, New Delhi.

2. The Principal Secretary, Government of Andhra Pradesh, Irrigation and CAD Department, Secretariat, Hyderabad.

3. The Superintendent Engineer, Irrigation Department, Dhawaleswaram Construction Circle, Dhawaleswaram, Rajahmundry, East Godavari District.

4. The Executive Engineer, Musurumilli Project Division, Rajmundry, East Godavari District.

5. The District Collector, East Godavari District, Kakinada.

6. The District Forest Officer, East Godavari District, Kakinada.

7. The Superintendent of Police, Easg Godavari District, Rajahmundry.

8. Two CCs to the Government Pleader for Irrigation, High Court Building, Hyderabad. (OUT)

9. Two CCs to the Government Pleader for Forest, High Court Building, Hyderabad. (OUT).

10. Two CCs to the Government Pleader for Home, High Court Building, Hyderabad. (OUT).

11. Two C.D. copies.

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